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TOR:291808Z JUL 76

AF4, EAG, OLC, DDO2

P 291731Z JUL 76

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BT

C O N F I D E N T I A L STATE 187929

E.O. 11652:GDS

TAGS:PLOS

SUBJECT:LOS: U.S. POSITION ON HIGH SEAS STATUS OF THE ECONOMIC ZONE; CORRECTION OF WIRELESS FILE REPORT OF TESTIMONY OF AMBASSADOR LEARSON BEFORE SENATE SUBCOMMITTEE 1. DURING THE LOS CONSULTATIONS WITH MEXICAN GOVERNMENT OFFICIALS THIS WEEK MEXICANS COMMENTED TO AMBASSADOR LEARSON AND ACCOMPANYING U.S. OFFICIALS THAT THEY WERE PLEASED TO NOTE THAT U.S. CHANGED ITS POSITION ON THE CHARACTER OF THE ECONOMIC ZONE AND WAS NOW PREPARED TO CONSIDER IT AS SUI GENERIS AND NOT HAVING A HIGH SEAS CHARACTER. MEXICANS CITED EUR WIRELESS FILE OF MAY 20 (A COPY OF WHICH THEY SAID THEY OBTAINED IN GENEVA) IN WHICH AMBASSADOR LEARSON WAS QUOTED AS MAKING THE FOLLOWING STATEMENT BEFORE A SUBCOMMITTEE OF THE SENATE FOREIGN RELATIONS COMMITTEE ON MAY 20: QTE DISCUSSING THE ECONOMIC ZONE, HE SAID, MANY STATES INCLUDING THE UNITED STATES, MAINTAIN THAT IT IS NEITHER HIGH SEAS NOR TERRITORIAL SEA BUT A SUI GENERIS ZONE...IT WILL ALSO BE NECESSARY TO DO FURTHER WORK WITH REGARD TO THE CONTINENTAL MARGIN WHERE IT EXTENDS BEYOND 200 MILES.UNQTE

2. AMBASSADOR LEARSON'S COMMENTS BEFORE THE SUBCOMMITTEE WERE INACCURATELY REPORTED, A KEY PHRASE HAVING BEEN OMITTED FROM THE WIRELESS FILE REPORT. WHAT THE AMBASSADOR ACTUALLY SAID WAS QUOTE MANY STATES, INCLUDING THE UNITED STATES, MAINTAIN THAT THE ZONE SHOULD BE A PART OF THE HIGH SEAS, WHILE OTHERS MAINTAIN THAT IT IS NEITHER HIGH SEAS NOR TERRITORIAL SEA BUT A SUI GENERIS ZONE. UNQUOTE. THE WIRELESS FILE OF MAY 21 CARRIED A CORRECTION OF THE MAY 20 REPORT TO THE LATTER EFFECT. 3. THE MEXICAN OFFICIALS INFORMED AMBASSADOR LEARSON THAT THEY HAD DISCUSSED THIS ALLEGED QUOTE CHANGE UNQUOTE IN THE US POSITION ON THE STATUS OF ECONOMIC ZONE WITH THE SOVIET LOS TEAM WHICH HAS RECENTLY BEEN TRAVELING IN LATIN AMERICA. THE SOVIETS REPORTEDLY EXPRESSED

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CONSIDERABLE SURPRISE WHEN THE MEXICANS NOTED THIS TO THEM. WE RECALL THAT DURING RECENT GROUP OF FIVE MEETING IN LONDON (JUNE 21-24) BRITISH RAISED THE MATTER WITH US DELEGATION, INDICATING THEY WERE PUZZLED BY REPORTED CHANGE IN US POSITION BUT NOT CITING SOURCE OF THEIR INFORMATION. WE MADE CLEAR TO THEM THAT OUR POSITION HAD DEFINITELY NOT CHANGED.

4. IN VIEW OF APPARENT WIDE-SPREAD CIRCULATION OF REPORT IN WIRELESS FILE OF MAY 20 WHICH WAS SENT TO ALL REGIONS, DEPARTMENT THINKS IT IMPERATIVE THAT HOST GOVERNMENTS HAVE NO MISUNDERSTANDING OF US POSITION ON STATUS OF ECONOMIC ZONE WHICH IS AN ISSUE OF THE GREATEST IMPORTANCE TO THE US AND THE MAJOR OUTSTANDING ISSUE IN COMMITTEE II.

5. YOU ARE THEREFORE REQUESTED TO APPROACH HOST GOVERNMENT PROMPTLY AT A LEVEL YOU CONSIDER APPROPRIATE AND POINT OUT ERRONEOUS REPORT IN MAY 20 WIRELESS FILE AND NOTE CORRECTION IN MAY 21 WF AS NOTED IN PARA 2 THIS TELEGRAM. YOU MAY ELABORATE, AS IN YOUR JUDGMENT MAY BE APPROPRIATE, BY STATING THAT WE ARE CONCERNED THAT THROUGH INADVERTENCE THE IMPRESSION MAY HAVE BEEN CREATED IN MINDS OF SOME GOVERNMENTS THAT US NO LONGER SUPPORTS HIGH SEAS CHARACTER OF THE ECONOMIC ZONE. THIS IS ABSOLUTELY CONTRARY TO FACT. US VIGOROUSLY SUPPORTS HIGH SEAS CHARACTER OF THE ECONOMIC ZONE. TO DESCRIBE IT AS HAVING A SUI GENERIS CHARACTER, AS SOME NATIONS WISH TO DO, COULD EVENTUALLY MAKE THE ECONOMIC ZONE THE FUNCTIONAL EQUIVALENT OF THE TERRITORIAL SEA. AS THE US REPRESENTATIVES HAVE REPEATEDLY STATED AT THE LAW OF THE SEA CONFERENCE, THE UNITED STATES COULD NOT SUPPORT A TREATY PROVISION ON THE ECONOMIC ZONE WHICH GIVES IT SUCH A RESTRICTIVE CHARACTER. THE US POSITION IS THAT BEYOND THE TERRITORIAL SEA HIGH SEAS PRIVILEGES ARE RETAINED BY THE INTERNATIONAL COMMUNITY WITHOUT PREJUDICE TO ENUMERATED RESOURCE AND OTHER RIGHTS OF THE COASTAL STATES. AT THE RESUMED SESSION OF THE LAW OF THE SEA CONFERENCE IN NEW YORK AUGUST 2-SEPTEMBER 17 THE US WILL CONTINUE TO SUPPORT PROVISIONS WHICH ENSURE THAT THE ECONOMIC ZONE IS ENDOWED WITH A HIGH SEAS CHARACTER.

6. USIA INFORMS US THAT THE ERROR IN THE EUR WIRELESS FILE OF MAY 20 WAS CAUGHT BEFORE THE SPANISH TRANSLATION WAS COMPLETED FOR THE WIRELESS FILE FOR LATIN AMERICA. THE WF

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FOR LATIN AMERICA (SPANISH LANGUAGE VERSION) FOR MAY 20
ACCORDINGLY PUT OUT AMBASSADOR LEARSON'S TESTIMONY CORRECT-
LY AND AS ACTUALLY DELIVERED.

7. FOR MOSCOW: US LOS DEL WILL DISCUSS THIS MATTER WITH
SOVIET REPS IN NEW YORK ON RESUMPTION OF LOS CONFERENCE.
THERE IS THEREFORE NO NEED FOR YOU TO TAKE ACTION ON THIS
TELEGRAM UNLESS MATTER IS RAISED WITH YOU BY HOST GOVERN-
MENT.

8. PLEASE REPORT SOONEST ANY REACTIONS TO YOUR CLARIFI-
CATION OF US POSITION ON THE STATUS OF THE ECONOMIC ZONE.
KISSINGER

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